



Docket No.: 82771P279

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9/4/02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

William F. Terrell, et al.

Application No.: 09/222,340

Filed: December 28, 1998

For: METHOD AND APPARATUS FOR
DYNAMICALLY CONTROLLING THE
PROVISION OF DIFFERENTIATED
SERVICES

Examiner: William C. Vaughn Jr.

Art Group: 2152

PRELIMINARY AMENDMENT

BOX PATENT APPLICATION
Assistant Commissioner for Patents
Washington, DC 20231-9998

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Sir:

Applicant respectfully requests amendment of the above-identified Patent Application as follows:

IN THE CLAIMS

Following is a complete set of claims as amended with this Response. This complete set of claims excludes cancelled claim 15 and includes amended claims 1-4, 8 and 11-14 and new claims 16-26.

- 61 Sub c1
1. (Amended) An apparatus adapted to facilitate communications between a client device and a remote device, comprising:
 - 2 a network interface including (i) filters to control access to different service levels and (ii)
 - 3 a classifier, communicatively coupled to the filters, to classify and mark one of the service levels
 - 4



08-28-02

CPA/2700

PTO/SB/29 (10-00)

Approved for use through 10/31/2002. OMB 0651-0032

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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**CONTINUED PROSECUTION APPLICATION (CPA)
REQUEST TRANSMITTAL****Submit an original, and a duplicate for fee processing.****(Only for Continuation or Divisional applications under 37 CFR 1.53(d))**

CHECK BOX, if applicable:

☐ DUPLICATE

Address to:

**Assistant Commissioner for Patents
Box CPA
Washington, DC 20231**Attorney Docket No.
of Prior Application

82771P279

First Named Inventor

William F. Terrell

Examiner Name

William C. Vaughn Jr.

Group/Art Unit

2152

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This is request for a ☒ continuation or ☐ divisional application under 37 CFR 1.53(d),
(continued prosecution application (CPA)) of prior application number 09/222,340,
filed on December 28, 1998, entitled Method and Apparatus for Dynamically Controlling the Provision of
Differentiated Services.

NOTES

FILING QUALIFICATIONS: The prior application identified above must be a nonprovisional application that is either: (1) complete as defined by 37 CFR 1.51(b), or (2) the national stage of an international application in compliance with 35 U.S.C. 371. Effective May 29, 2000, a CPA may only be filed in a utility or plant application if the prior nonprovisional application was filed before May 29, 2000. A CPA may be filed in a design application regardless of the filing date of the prior application. See "Request for Continued Examination Practice changes to and Provisional Application Practice," Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office (Apr. 11, 2000).

C-I-P NOT PERMITTED: A continuation-in-part application cannot be filed as a CPA under 37 CFR § 1.53(d), but must be filed under 37 CFR 1.53(b).

EXPRESS ABANDONMENT OF PRIOR APPLICATION: The filing of this CPA is a request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 CFR 1.53(b) must be used to file a continuation, divisional, or continuation-in-part of an application that is not to be abandoned.

ACCESS TO PRIOR APPLICATION: The filing of this CPA will be construed to include a waiver of confidentiality by the applicant under 35 U.S.C. 122 to the extent that any member of the public who is entitled under the provisions of 37 CFR 1.14 to access to, copies of, or information concerning, the prior application may be given similar access to, copies of, or similar information concerning, the other application or applications in the file jacket.

35 U.S.C. 120 STATEMENT: In a CPA, no reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be entered. A request for a CPA is the specific reference required by 35 U.S.C. 120 and to every application assigned the application number identified in such request, 37 CFR § 1.78(a).

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

1. ☐ Enter the unentered amendment previously filed on _____
under 37 CFR § 1.116 in the prior nonprovisional application.
2. ☒ A preliminary amendment is enclosed.
3. This application is filed by fewer than all the inventors named in the prior application, 37 CFR 1.53 (d)(4).
 - a. ☐ **DELETE** the following inventor(s) named in the prior nonprovisional application:

 - b. ☐ The inventor(s) to be deleted are set forth on a separate sheet attached hereto.
4. ☒ A new power of attorney or authorization of agent (PTO/SB/81) is enclosed.
5. Information Disclosure Statement (IDS) is enclosed: 08/29/2002 BABRAH1 00000088 09222340
 - a. ☐ PTO-1449 01 FC:103 90.00 DP
 - b. ☐ Copies of IDS Citations

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08/29/2002 BABRAH1 00000088 09222340

01 FC:131

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Burden Hour Statement: This form is estimated to take 0.4 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box CPA, Washington, DC 20231.

CLAIMS	(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) CALCULATIONS
TOTAL CLAIMS (37 CFR 1.16(c) or (j))	25	-20* =	5	x \$ 18.00 =	\$ 90.00
INDEPENDENT CLAIMS (37 CFR 1.16(b) or (i))	3	-3** =	0	x \$ 84.00 =	
MULTIPLE DEPENDENT CLAIMS (if applicable) (37 CFR 1.16(d))				+\$ _____ =	
				BASIC FEE (37 CFR 1.16)	740.00
				Total of above Calculations =	\$830.00
Reduction by 50% for filing by small entity (Note 37 CFR 1.27).					
				TOTAL =	\$830.00

6. ☐ Small entity status: Applicant claims small entity status. See 37 CFR 1.27.

7. The Commissioner is hereby authorized to credit overpayments or charge the following fees to Deposit Account No. _____ - 02 2666 :

- a. ☐ Fees required under 37 CFR 1.16.
 b. ☒ Fees required under 37 CFR 1.17.
 c. ☐ Fees required under 37 CFR 1.18.

8. ☐ A check in the amount of \$830.00 is enclosed.

9. ☐ Payment by credit card. Form PTO-2038 is attached.

10. ☐ Applicant requests suspension of action under 37 CFR 1.103(b) for a period of _____ months (not to exceed 3 months) and the fee under 37 CFR 1.17(i) enclosed.

11. ☐ New Attorney Docket Number, if desired _____
 (Prior application Attorney Docket Number will carryover to this CPA unless a new Attorney Docket Number has been provided herein.)

12. a. ☐ Receipt for Facsimile Transmitted CPA (PTO/SB/29A)
 b. ☒ Return Receipt Postcard (Should be specifically itemized, See MPEP 503)

13. ☐ Other: _____

NOTE:

The prior application's correspondence address will carry over to this CPA UNLESS a new correspondence address is provided below.

10. NEW CORRESPONDENCE ADDRESS

☒ Customer Number of Bar Code Label



08791

or ☐ Correspondence address

Name					
Address					
City		State		Zip Code	
Country		Telephone		Fax	

15. SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

NAME (Print/Type)

William W. Schaal

SIGNATURE

Registration No. (Attorney/Agent)

39,018

DATE

August 26, 2002

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